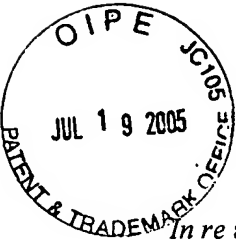


JC01 Rec'd PCT/PTO 19 JUL 2005

PATENT

Attorney Docket No. 185737/US

Dorsey File No. 475213-0002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WARENIUS *et al.*

Serial No.: 10/508,873

Filing Date: September 23, 2004

For: *Treating Cancer*

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Dated: July 14, 2005

Signed: *Janet M. Maerz*

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Defective Response mailed June 21, 2005. This response is being filed on or before July 21, 2005, thus making it a timely response.

Enclosed are the following documents:

1. Copy of Notification of Defective Response;
2. Preliminary Amendment re Substitute Sequence Listing;
3. Paper copy of substitute sequence listing;
4. Computer readable form of substitute sequence listing on diskette;
5. Return receipt postcard.

The Commissioner is authorized to charge any fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 50-2054 (File No. 475213-00002; Docket No.: 185737/US).

Serial No.: 10/508,873
Filing Date: September 23, 2004

It is believed that submission of the above serves to satisfy all of the requirements of the outstanding Notice of Missing Requirements.

If there are any questions with regard to the foregoing, please call applicant's attorney at 212-415-9200.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: July 14, 2005
Customer Number: 30873
Dorsey & Whitney LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177-1500
Telephone: (212) 415-92000

By: _____


Janet M. MacLeod, Reg. No. 35,263



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

475213-2

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/508,873	Hilmar Meek Warenus	185737/US

30873
 DORSEY & WHITNEY LLP
 INTELLECTUAL PROPERTY DEPARTMENT
 250 PARK AVENUE
 NEW YORK, NY 10177

Patent Mail Received

JUN 24 2005

INTERNATIONAL APPLICATION NO.	
PCT/GB03/01275	
I.A. FILING DATE	PRIORITY DATE
03/25/2003	03/25/2002

CONFIRMATION NO. 1109

371 FORMALITIES LETTER



OC000000016335185

Date Mailed: 06/21/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/23/2004
- Copy of the International Search Report filed on 09/23/2004
- Preliminary Amendments filed on 09/23/2004
- Biochemical Sequence Diskette filed on 05/23/2005
- Oath or Declaration filed on 12/06/2004
- Biochemical Sequence Listing filed on 05/23/2005
- Request for Immediate Examination filed on 09/23/2004
- U.S. Basic National Fees filed on 09/23/2004
- Assignment filed on 12/06/2004
- Priority Documents filed on 09/23/2004
- Power of Attorney filed on 12/06/2004

Applicant's response filed 05/23/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/12/2005 have not been completed.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR

DOCKETED

7/21/05

1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/508,873	PCT/GB03/01275	185737/US

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/508,873A
Source: PT/10
Date Processed by STIC: 6/3/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 10/508,873A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 ☒ **Wrapped Nucleics
Wrapped Aminos** The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 ☐ **Invalid Line Length** The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 ☐ **Misaligned Amino
Numbering** The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 ☒ **Non-ASCII** The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 ☐ **Variable Length** Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 ☐ **PatentIn 2.0
"bug"** A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 ☐ **Skipped Sequences
(OLD RULES)** Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 ☐ **Skipped Sequences
(NEW RULES)** Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 ☐ **Use of n's or Xaa's
(NEW RULES)** Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 ☐ **Invalid <213>
Response** Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11 ☐ **Use of <220>** Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 ☐ **PatentIn 2.0
"bug"** Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 ☐ **Misuse of n/Xaa** "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



PCT

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/508,873A

DATE: 06/03/2005

TIME: 10:28:53

Input Set : A:\PTO.RJ.txt

Output Set: N:\CRF4\06032005\J508873A.raw

IMPORTANT:

see item 4
on Error Summary
Sheet
pgs 1-2

2 <110> APPLICANT: TheRyte Ltd.
W--> 3 <120> TITLE OF INVENTION: Treating Cancer
W--> 4 <130> FILE REFERENCE: 300051WO Sequence Listing
W--> 5 <140> CURRENT APPLICATION NUMBER: Not yet known
C--> 6 <141> CURRENT FILING DATE: 2004-09-23 (this is the U.S. filing date)
W--> 7 ~~2003-03-25~~
W--> 8 <150> PRIOR APPLICATION NUMBER: 0207031.6
W--> 9 0207031.6
W--> 10 <151> PRIOR FILING DATE: 2002-03-25
W--> 11 2002-03-25
W--> 12 <150> PRIOR APPLICATION NUMBER: 0216634.6
W--> 13 0216634.6
W--> 14 <151> PRIOR FILING DATE: 2002-07-17
W--> 15 2002-07-17
W--> 16 <150> PRIOR APPLICATION NUMBER: 0223325.2
W--> 17 0223325.2
W--> 18 <151> PRIOR FILING DATE: 2002-10-08
W--> 19 2002-10-08
E--> 20 <160> NUMBER OF SEQ ID NOS: 4
W--> 21 4
24 <170> SOFTWARE: PatentIn Ver. 2.1

see
item 1
on Error
Summary Sheet

Does Not Comply
Corrected Diskette Needed

The submitted file
showed a gray grid
around the <141> through
the <160> lines. This
accounts for the "wrapped"
responses above.

ERRORED SEQUENCES

26 <210> SEQ ID NO: 1
27 <211> LENGTH: 18
28 <212> TYPE: DNA
29 <213> ORGANISM: Artificial Sequence
31 <220> FEATURE:
32 <223> OTHER INFORMATION: Description of Artificial Sequence:
33 Phosphorothionate oligonucleotide
35 <220> FEATURE: *insert an underscore*
W--> 36 <221> NAME/KEY: misc-feature
37 <222> LOCATION: (1) .. (18)
38 <223> OTHER INFORMATION: Sense phosphorothionate oligonucleotide having a
39 sequence identical to a portion of the Rb mRNA
41 <400> SEQUENCE: 1 (18) *move this to right margin of nucleotide line*
E--> 42 gtcattgccgc ccaaaacc
82 <210> SEQ ID NO: 4
83 <211> LENGTH: 31
84 <212> TYPE: DNA
85 <213> ORGANISM: Artificial Sequence

p.2

RAW SEQUENCE LISTING

DATE: 06/03/2005

PATENT APPLICATION: US/10/508,873A

TIME: 10:28:53

Input Set : A:\PTO.RJ.txt

Output Set: N:\CRF4\06032005\J508873A.raw

87 <220> FEATURE:
88 <223> OTHER INFORMATION: Description of Artificial Sequence:Oligonucleotide primer
90 <220> FEATURE:
91 <221> NAME/KEY: primer_bind
92 <222> LOCATION: Complement((1)..(31))
93 <223> OTHER INFORMATION: Antisense primer comprising a sequence complementary to a
portion
94 of the 3' region of the
97 CDK4 mRNA and the NotI recognition site
99 <400> SEQUENCE: 4
100 cccgcggccg ctgctcactc tggattacct t 31

E--> 103 ① delete at end of file

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/508,873A

DATE: 06/03/2005

TIME: 10:28:54

Input Set : A:\PTO.RJ.txt

Output Set: N:\CRF4\06032005\J508873A.raw

L:3 M:283 W: Missing Blank Line separator, <120> field identifier
L:4 M:283 W: Missing Blank Line separator, <130> field identifier
L:5 M:283 W: Missing Blank Line separator, <140> field identifier
L:5 M:270 C: Current Application Number differs, Replaced Current Application Number
L:6 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:7 M:259 W: Allowed number of lines exceeded, <141> CURRENT FILING DATE:
L:8 M:256 W: Invalid Numeric Header Field, <150> PRIOR APPLICATION NUMBER:
L:9 M:259 W: Allowed number of lines exceeded, <150> PRIOR APPLICATION NUMBER:
L:10 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:11 M:259 W: Allowed number of lines exceeded, <151> PRIOR FILING DATE:
L:12 M:256 W: Invalid Numeric Header Field, <150> PRIOR APPLICATION NUMBER:
L:13 M:259 W: Allowed number of lines exceeded, <150> PRIOR APPLICATION NUMBER:
L:14 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:15 M:259 W: Allowed number of lines exceeded, <151> PRIOR FILING DATE:
L:16 M:256 W: Invalid Numeric Header Field, <150> PRIOR APPLICATION NUMBER:
L:17 M:259 W: Allowed number of lines exceeded, <150> PRIOR APPLICATION NUMBER:
L:18 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:19 M:259 W: Allowed number of lines exceeded, <151> PRIOR FILING DATE:
L:20 M:212 E: (34) Invalid or duplicate Sequence ID Number, Number Of Sequences Unknown
L:20 M:283 W: Missing Blank Line separator, <160> field identifier
L:21 M:259 W: Allowed number of lines exceeded, <160> NUMBER OF SEQ ID NOS:
L:36 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:1
L:42 M:254 E: No. of Bases conflict, LENGTH:Input:0 Counted:18 SEQ:1
L:55 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:103 M:254 E: No. of Bases conflict, this line has no nucleotides.
L:20 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (0) Counted (4)